IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 2074 OF 2007

Sunil Digambar Sarvagod. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

B.R.Patil for the applicant.

K.V.Saste, APP for the State.

Ajey A. Joshi for the complainant.

CORAM: V.C.DAGA, J.

DATED: 9th August 2007.

P.C.:

. Heard learned counsel for the applicant, learned A.P.P. for the State and learned counsel for the original complainant.

2. By this application, the applicant has invoked jurisdiction of this Court under section 438 of Code of Criminal Procedure, 1973 seeking anticipatory bail. The applicant is apprehending his arrest in C.R.No.104/2007 registered with Pandharpur City Police Station, Solapur for the offences punishable under sections 307, 326, 143, 147, 148, 149, 504, 506 of Indian Penal Code read with section 135 of the Bombay Police Act on the basis of the complaint filed by one Nitin Ramdas Sarvagod.

3. The F.I.R. reveals that on 8th June, 2007 at about 4.33 p.m. when the complainant- Mr.Nitin Ramdas Sarvagod along with other companions was going towards open ground at Gopalpur road for playing cricket, the present applicant along with 14-15 companions, on account of previous enmity of election attached the complainant and his companions with swords, sticks, rods etc. due to which, injury was caused to the complainant, one Avdhut Kamble and one Vishal Gulab Sarvagod. So far as Vishal Gulab Kamble is concerned, he did not go to any hospital. There is no medical certificate on record to establish the injury suffered by him. So far as Avdhut Kamble is concerned, the injury suffered by him is said to be simple injury, that too, not certified by any government hospital. The certificate appears to have been issued by the private medical practitioner. So far as complainant is concerned, no serious injuries are suffered by him. In these circumstances, I am inclined to grant pre-arrest bail to the applicant, subject to the following conditions:

(a) In the event of arrest of the applicant in connection with C.R.No.104/2007 registered with Pandharpur City Police Station he shall be released on bail of Rs.25,000/- with one or two sureties to make up the said amount.

(b) The applicant shall report to Pandharpur City Police Station once in a week i.e. on every Friday between 3.00 p.m. to 5.00 p.m. and shall co-operate with the investigating agency.

(c) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(d) This order of anticipatory bail shall operate till the filing of the chargesheet. After filing of chargesheet, it would be open for the applicant to apply for regular bail before regular court.

(e) It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

4. Application stands disposed of accordingly.

JUDGE